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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
June 14, 2005



Date of Deposit

[Handwritten Signature] 6/14/05
Signature

Our Case No. 10808/203

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
Joerg Vollrath, et al.)	
)	Examiner: Le, Dieu Minh T.
Serial No. 09/967,008)	
)	Group Art Unit No. 2812
Filing Date: Spetember 28, 2001)	
)	
Title: MEMORY AND METHOD FOR EMPLOYING)	
A CHECKSUM FOR ADDRESSES OF)	
REPLACED STORAGE ELEMENTS)	
)	
)	
)	

REQUEST FOR RECONSIDERATION OF
PATENT TERM ADJUSTMENT
PURSUANT TO 37 C.F.R. § 1.705(b)

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

A notice of allowance was issued for the present application on March 18, 2005 indicating that the issue fee is due on June 20, 2005. The issue fee is being submitted for the present application in conjunction with this request for reconsideration of the patent term adjustment.

The Patent Application Information Retrieval (PAIR) system and the notice of allowance both

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indicate a patent term adjustment that was calculated by the U.S. Patent office pursuant to 37 C.F.R. 1.701 of 666 days. A copy of Notice of Allowance for the present application is included herewith as Exhibit A.

Applicant's Attorney believes that the patent term adjustment should be 836 days. For the reasons stated herein, reconsideration of the patent term adjustment is respectfully requested pursuant to 37 C.F.R. 1.705(b). Please charge the petition fee pursuant to 37 C.F.R. § 1.18(e) to Deposit Account No. 23-1925. Please charge any additional fee required or credit for any excess fee paid to Deposit Account No. 23-1925. A duplicate copy of this Petition is attached.

The patent term adjustment for the present application was calculated by the U.S. Patent and Trademark Office based on activities and associated dates detailed in the Patent Application Information Retrieval (PAIR) system Patent Term Adjustment History, attached as Exhibit B. Applicant's Attorney believe that errors and/or omissions in the calculation and/or the PAIR system Patent Term Adjustment History may have resulted in an incorrect patent term adjustment for the present application as described in detail below. The present application is not subject to a terminal disclaimer.

Period of adjustment pursuant to 37 C.F.R. § 1.703(b)

The period of adjustment pursuant to 37 C.F.R. § 1.703(b) is the number of days in the period beginning on the day ("the 3 year date") after the date that is three years after the date on which the application was filed pursuant to 35 U.S.C. § 111(a) or fulfilled the requirements pursuant to 35 U.S.C. § 371.

The present application was filed on September 28, 2001 as evidenced by the filing receipt attached as Exhibit F. The 3 year date specified in 37 C.F.R. § 1.703(b) is September 28, 2004. The total amount of delay of both the U.S. Patent and Trademark Office and the Applicant's

Attorney is 676 days) as indicated in the PAIR system Patent Term Adjustment History, attached as Exhibit B. On the date of mailing of the notice of allowance, the present application is believed to have already exceeded the combined total of the 3 year date and the total amount of delay by 170 days. Applicant's Attorney expects that additional non-overlapping delay can reasonably be expected prior to a patent issuing for the present application. Applicant's Attorney therefore requests re-computation of the period of adjustment pursuant to 37 C.F.R. § 1.703 upon identification of the date of issue of the patent of the present application to reflect this delay. With this request, Applicant's Attorney further reserves the right to request reconsideration of the patent term adjustment pursuant to 37 C.F.R. § 1.705(d) if the term of the issued patent is believed to be extended or adjusted incorrectly.

Total patent term adjustment

For the present application, the total patent term adjustment pursuant to 37 C.F.R. § 1.703(f) is the period of adjustment pursuant to 37 C.F.R. § 1.703 reduced by any delays pursuant to 37 C.F.R. § 1.704. Thus, according to our calculations, we believe that the patent term adjustment should be $(671+170) \text{ days} - (5) \text{ days} = 836 \text{ days}$, instead of 666 days indicated on the Notice of Allowance attached as Exhibit A.

It is respectfully asserted that the patent term adjustment determined by the U.S. Patent and Trademark Office for the present application may not be correct. Accordingly, Applicant's Attorney respectfully requests the U.S. Patent and Trademark office to reconsider, and make revisions to the PAIR system Patent Term Adjustment History in view of the previous remarks. In addition, it is respectfully requested that the patent term adjustment be re-calculated by the U.S. Patent and Trademark Office in view of the above remarks. Office personnel are invited to

contact the undersigned attorney for the Applicant's Attorney via telephone if such communication would be beneficial in fulfilling this request.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'J. Flerlage', is written over a horizontal line.

Joseph W. Flerlage
Registration No. 52,897
Attorney for Applicants

BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, ILLINOIS 60610
(312) 321-4200



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DRG

Due:

NOTICE OF ALLOWANCE AND FEE(S) DUE

000530 7590 03/18/2005

LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK
600 SOUTH AVENUE WEST
WESTFIELD, NJ 07090Due
18 JE 2005

2001 P 1170245

EXAMINER

LE, DIEU MINH T

ART UNIT

PAPER NUMBER

2114

DATE MAILED: 03/18/2005

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/967,008	09/23/2001	Joerg Vollrath	INTECH 3.0-013	5624

TITLE OF INVENTION: MEMORY AND METHOD FOR EMPLOYING A CHECKSUM FOR ADDRESSES OF REPLACED STORAGE ELEMENTS

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1400	\$300	\$1700	06/20/2005

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. **PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN **THREE MONTHS** FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. **THIS STATUTORY PERIOD CANNOT BE EXTENDED.** SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. **THE PTO-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.**

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

- A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.
- B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

- A. Pay TOTAL FEE(S) DUE shown above, or

- B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B - Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/967,008	09/28/2001	Joerg Vollrath	INTECH 3.0-013	5624
000530	7590	03/18/2005	EXAMINER	
LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK 600 SOUTH AVENUE WEST WESTFIELD, NJ 07090			LE, DIEU MINH T	
			ART UNIT	PAPER NUMBER
			2114	



DATE MAILED: 03/18/2005

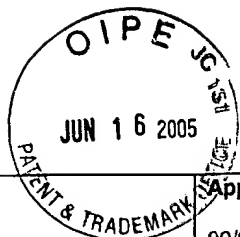
Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 666 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 666 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571) 272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.



Notice of Allowability

Application No.

09/967,008

Examiner

Dieu-Minh Le

Applicant(s)

VOLLRATH ET AL.

Art Unit

2114

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed on 01/03/2005.
2. ☒ The allowed claim(s) is/are 1-40.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

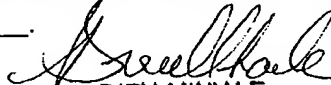
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☒ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☒ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


DIEU-MINH LE
PRIMARY EXAMINER



NOTICE OF DRAFTSPERSON'S PATENT DRAWING REVIEW

The drawing(s) filed (insert date) 9/28/01 are:

- A. ☐ approved by the Draftsperson under 37 CFR 1.84 or 1.152.
 B. ☒ objected to by the Draftsperson under 37 CFR 1.84 or 1.152 for the reasons indicated below. Corrected drawings are required.

1. **DRAWINGS.** 37 CFR 1.84(a): Acceptable categories of drawings: Black ink or Color (3 sets required).

Color drawings are not acceptable until petition is granted. Fig(s) _____

Pencil and non black ink not permitted. Fig(s) _____

2. **PHOTOGRAPHS.** 37 CFR 1.84(b)

One (1) full-tone set is required. Fig(s) _____

Photographs may not be mounted. 37 CFR 1.84(e)

Photographs must meet paper size requirements of 37 CFR 1.84(f). Fig(s) _____

Poor quality (half-tone). Fig(s) _____

3. **TYPE OF PAPER.** 37 CFR 1.84(c)

Paper not flexible, strong, white, and durable.

Fig(s) _____

Erasures, alterations, overwritings, interlineations, folds, copy machine marks not accepted.

Fig(s) _____

4. **SIZE OF PAPER.** 37 CFR 1.84(f): Acceptable sizes:

21.0 cm by 29.7 cm (DIN size A4) or

21.6 cm by 27.9 cm (8 1/2 x 11 inches)

All drawing sheets not the same size.

Sheet(s) _____

Drawings sheets not an acceptable size. Fig(s) _____

5. **MARGINS.** 37 CFR 1.84(g): Acceptable margins:

Top 2.5 cm Left 2.5 cm Right 1.5 cm Bottom 1.0 cm

Margins not acceptable. Fig(s) _____

Top (T) _____ Left (L) _____

Right (R) _____ Bottom (B) _____

6. **VIEWS.** 37 CFR 1.84(h)

REMINDER: Specification may require revision to correspond to drawing changes, e.g., if Fig. 1 is changed to Fig. 1A, Fig. 1B and Fig. 1C, etc., the specification, at the Brief Description of the Drawings, must likewise be changed.

Views not labeled separately or properly.

Fig(s) _____

7. **SECTIONAL VIEWS.** 37 CFR 1.84(h)(3)

Sectional designation should be noted with

Arabic or Roman numbers. Fig(s) _____

8. **ARRANGEMENT OF VIEWS.** 37 CFR 1.84(i)

Words do not appear on a horizontal, left-to-right fashion when page is either upright or turned so that the top becomes the right side, except for graphs. Fig(s) _____

9. **SCALE.** 37 CFR 1.84(k)

Scale not large enough to show mechanism without crowding when drawing is reduced in size to two-thirds in reproduction.

Fig(s) _____

10. **CHARACTER OF LINES, NUMBERS, & LETTERS.** 37 CFR 1.84(l)

Lines, numbers & letters not uniformly thick and well defined, clean, durable, and black (poor line quality). Fig(s) 4, 5

11. **SHADING.** 37 CFR 1.84(m)

Solid black areas pale. Fig(s) _____

Solid black shading not permitted. Fig(s) _____

12. **NUMBERS, LETTERS, & REFERENCE CHARACTERS.** 37 CFR 1.84(p)

Numbers and reference characters not plain and legible. Fig(s) 4, 5

Figure legends are poor. Fig(s) 4, 5

Numbers and reference characters not oriented in the same direction as the view. 37 CFR 1.84(p)(1) Fig(s) _____

English alphabet not used. 37 CFR 1.84(p)(2)

Fig(s) _____

Numbers, letters and reference characters must be at least 32 cm (1/8 inch) in height. 37 CFR 1.84(p)(3). Fig(s) _____

13. **LEAD LINES.** 37 CFR 1.84(q)

Lead lines missing. Fig(s) _____

14. **NUMBERING OF SHEETS OF DRAWINGS.** 37 CFR 1.84(t)

Sheets not numbered consecutively, and in Arabic numbers beginning with number 1. Sheet(s) _____

15. **NUMBERING OF VIEWS.** 37 CFR 1.84(u)

Views not numbered consecutively, and in Arabic numerals, beginning with number 1. Fig(s) _____

16. **DESIGN DRAWINGS.** 37 CFR 1.152

Surface shading shown not appropriate.

Fig(s) _____

Solid black surface shading is not permitted except when used to represent the color black as well as color contrast. Fig(s) _____

COMMENTS:

Reviewer J. CHASE
 If you have questions, call (703) 305-8404.

Date 3-15-05
 Attachment to Paper No. 2005 0314



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PATENT APPLICATION INFORMATION RETRIEVAL

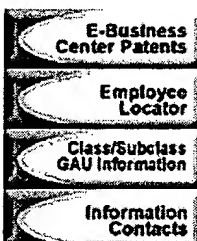


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Patent Term Adjustment (PTA) for application number: 09/967,008

		Days
Filing or 371(c) Date:	09-28-2001	USPTO Delay (PTO): 671
Issue Date of Patent:	-	Three Years: -
Pre-Issue Petitions (days):	+0	Applicant Delay (APPL): 5
Post-Issue Petitions (days):	+0	Total PTA: 666
USPTO Adjustment (days):	+0	Explanation of Calculations

Other Links



Select Search Option

File History

Image File Wrapper

Published Documents

Search

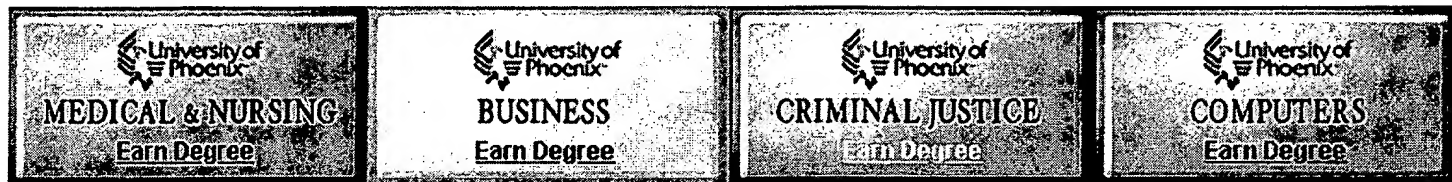
Patent Term Adjustment History

Date	Contents Description	PTO (days)	APPL (days)
03-18-2005	Mail Notice of Allowance		
03-18-2005	Mail Formal Drawings Required		
03-17-2005	Issue Revision Completed		
03-17-2005	Formal Drawings Required		
03-17-2005	Notice of Allowance Data Verification Completed		
03-16-2005	Notice of Allowability		
01-14-2005	Date Forwarded to Examiner		
01-03-2005	Response after Non-Final Action		5
01-03-2004	Workflow incoming amendment IFW		↑
09-29-2004	Mail Non-Final Rejection	671	↑
09-27-2004	Non-Final Rejection	↑	
05-25-2004	IFW TSS Processing by Tech Center Complete	↑	
04-20-2004	Case Docketed to Examiner in GAU	↑	
04-20-2004	Case Docketed to Examiner in GAU	↑	
12-22-2003	Case Docketed to Examiner in GAU	↑	
03-06-2002	Information Disclosure Statement (IDS) Filed	↑	
12-19-2001	Case Docketed to Examiner in GAU	↑	
10-30-2001	Application Dispatched from OIPE	↑	
10-25-2001	Correspondence Address Change	↑	
10-09-2001	IFW Scan & PACR Auto Security Review	↑	
09-28-2001	Initial Exam Team nn	↑	

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Other locations: [Time zone menu](#) | [World Clock](#) | [Calendar](#) | [Countdown](#)



Time calculation

From: **Thursday, November 28, 2002 00:00:00**

to: **Wednesday, September 29, 2004 00:00:00**

It is **671 days, 0 hours, 0 minutes and 0 seconds** between those dates

Or 57974400 seconds or 966240 minutes or 16104 hours

Note: The calculation is performed using USA calendar system, and UTC-time, so no local time, leap seconds or daylight saving time is taken into consideration (may be one hour off real difference).

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- [Calculate important events to celebrate given your birthday](#)
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Time calculation

From: **Wednesday, December 29, 2004 00:00:00**

to: **Monday, January 3, 2005 00:00:00**

It is **5 days, 0 hours, 0 minutes and 0 seconds** between those dates

Or 432000 seconds or 7200 minutes or 120 hours

Note: The calculation is performed using USA calendar system, and UTC-time, so no local time, leap seconds or daylight saving time is taken into consideration (may be one hour off real difference).

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